

REMARKS/ARGUMENTS

In the Office Action of June 30, 2004, the Examiner withdrew the previous grounds for rejection, and presented new prior art grounds for rejection. Claims 1-6, 8-9, 11-16 and 18-19 have been rejected as being obvious over the combination of Tanaami in view of Weber et al. Claims 7, 10, 17 and 20 have been rejected over the foregoing references, and further in view of Ikeda. Reconsideration is requested.

The Examiner says that Tanaami discloses most of the elements of claims 1 and 11. However, the Examiner agrees that Tanaami does not disclose an asymmetric diaphragm, which provides the claimed feature of “stopping said slit light asymmetrically in a slit direction and a direction perpendicular thereto,” as stated in method claim 1. Correspondingly, apparatus Claim 11 has been made broader in this amendment and now recites “an asymmetric diaphragm having an aperture to stop said slit light asymmetrically in a slit direction and a direction perpendicular thereto.” See claim 22.

The Examiner cites the diaphragm 13 shown in Weber in Figure 3a. He says “Weber et al. teaches that it is known in the art to provide an asymmetric diaphragm (13 of Figure 3a) having an aperture (19 of Figure 3a) to stop slit light in the direction perpendicular (Figures 2-3 and col. 4, lines 43-67 and claim 1). See Figures 1-5.”

It is respectfully submitted that Tanaami and Weber are not combinable, since there is no suggestion in the art of combining Tanaami’s optical system with Weber’s asymmetrical diaphragm. First, Tanaami discloses no need for stopping any light from any of its slits. And in Weber et al., there is no disclosure of using the aperture 19 in the diaphragm to stop light from a slit or slits. In Weber et al., the diaphragm 13 is used merely to block one-half of an entire image, not to stop light from a slit, and moreover does not refer to either a slit direction or a direction transverse to the slit.

Furthermore, in Weber, the opening 19 in the diaphragm 13 blocks part of the optical path. Such a diaphragm would defeat the purpose of Tanaami’s optical system, in which it is intended to transmit the entire image, for example, of a sample at a sample position 25, without any part of it being blocked. There is no evidence in either of the references for the Examiner’s statement that it would have been obvious to modify Tanaami with Weber’s diaphragm “for the purpose of blocking light area.” It was the present inventors who first saw fit to asymmetrically

stop light from a slit, and for a specific reason recited in the preambles of the independent claims.

For the above reasons, it is submitted the two references are not properly combinable.

Note further that Weber's opening 19 is arranged asymmetrically with respect to the optical axis. In contrast, according to the disclosure, although the diaphragm 5 is asymmetric in the longitudinal direction and in the transverse direction, it is arranged concentrically on the optical axis. Therefore, even if the references were combined, they would not add up to the present invention.

New claims 21-28 make the foregoing point more clear.

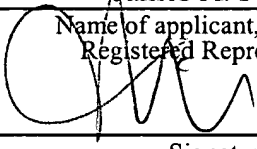
Claim 11 recites the asymmetric diaphragm having "an aperture to stop said slit light asymmetrically in a slit direction and a direction perpendicular thereto." New claims 21 and 23 state "wherein said aperture in said asymmetric diaphragm is centered on said optical axis." The invention of claims 21 and 23 is patentably distinguishable from that in Weber et al., since Weber's aperture is clearly not centered on the optical axis.

Correspondingly, new method claims 24-28 depend from claim 1. Claim 24 recites that the slit light is stopped asymmetrically "by using an asymmetric diaphragm." Claim 26 recites "the step of using a diaphragm having an aperture whose size in the slit direction is smaller than its size in the direction perpendicular to the slit direction." New claims 25, 27 and 28 depend respectively from claims 24, 26 and 1, and recite that the aperture is centered on the optical axis. These claims, too, are distinguishable from the diaphragm 13 shown in Weber et al.'s Figure 3a.

In view of the foregoing amendments and remarks, allowance of claims 1-28 is requested.

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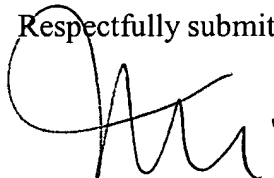
Name of applicant, assignee or
Registered Representative


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September 13, 2004

Date of Signature

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Respectfully submitted,



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